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Syllabus No. XII

Limitation of Armament

By QUINCY WRIGHT, PH.D.

Associate Professor of Political Science
University of Minnesota



November, 1921



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PREFACE

A great deal has been written about disarmament in the literature of pacifism but this has been largely of a fugitive and propagandist character. There are comparatively few sources from which the student can obtain a comprehensive view of the subject. Robert Coulet wrote a doctor's thesis in French on the subject in 1910; Hans Wehberg published a manual in French in 1914 at the request of the Interparliamentary Union and in 1919 he published an exhaustive historical manual in German. Alfred Fried, the indefatigable Austrian pacifist, has covered the subject in his *Handbuch der Friedensbewegung*, 1913. During the fall of 1921 the Carnegie Endowment for International Peace translated and published the first of Wehberg's books, which deals with the subject from a more practical point of view than the second. This is practically the only manual in English and should be in the hands of all students of the subject. It includes as an appendix the questionnaire for study, prepared by Christian Lange, Secretary of the Interparliamentary Union in 1914.

Use should be made of the documents of the two Hague Conferences, the Peace Conference of Paris and the League of Nations, many of which have been made available in English through the publications of the Carnegie Endowment for International Peace, the American Association for International Conciliation and the World Peace Foundation. The *League of Nations*, published by the latter, has reprinted most of the League documents dealing with limitation of armaments in volumes three and four. The Reports of the Lake Mohonk Conferences on International Arbitration will also be found useful. Among secondary books with suggestive chapters on the subject may be mentioned Sir Thomas Barclay, *Collapse and Reconstruction*, 1919; N. M. Butler, *The International Mind*, 1912; S. C. Vestal, *The Maintenance of Peace*, 1920; J. L. Garvin, *The Economic Foundations of Peace*, 1919; M. Erzberger, *The League of Nations*, 1919; Sir Frederick Pollock, *The League of Nations*, 1920; W. H. Taft, *The Covenant*, 1919; General

Tasker H. Bliss, *What Really Happened at Paris*, 1921. The statements of Generals Pershing and Bliss, Admirals Badger and Sims, Secretary of the Navy Daniels, Commissioner Henry White and others during the Hearings of the House of Representatives Committee on Naval Affairs, January and February 1921, are worth reading. Bibliographies are given in Krehbiel, *Nationalism, War and Society*; Duggan, *The League of Nations*, p. 346; World Peace Foundation, Pamphlet, November, 1913. Q. W.

Washington, November 15, 1921.

I.

NATURE OF PROPOSALS FOR LIMITING ARMAMENTS

Proposed plans have aimed to limit armaments;* (1) by general reductions of military and naval personnel, material, or budgets; (2) by territorial restrictions upon the establishment or employment of military or naval forces and material; (3) by prohibitions or restrictions upon the use of particular kinds of military or naval forces or equipment; and (4) by regulating the manufacture of and trade in war material and the method of recruiting military and naval forces. The following *résumé*, therefore, includes, not only proposals for a general limitation of national armaments, but also proposals for limiting the area of war, the instruments of war and the method of acquiring war materials and forces.

I. GENERAL LIMITATION OF ARMAMENTS

Proposals for a general limitation of armaments have taken the form of suggestions for simultaneous reduction or non-augmentation of the effectives of standing armies or of military budgets. Fear of the military preparations of a possible rival coupled with a desire for economy seem to have been the motive for such proposals as those of Louis Philippe and Napoleon III. The hope of better assuring the stability of Europe and preventing war may have been of preponderating importance in the proposals of Alexander I and Nicholas II, as has undoubtedly been the case with the proposals which have from time to time emanated from private individuals or from semi-official associations such as the Interparliamentary Union. A limitation of naval armaments has been discussed, usually at the initiative of Great Britain, on occasions when naval rivalry has been intense, particularly during the periods 1840-1860, and 1904-1914. A holiday in naval construction for a period of from one to three years has been the usual form of such proposals. The possi-

*The "limitation" (abstention from increase) of armaments may be distinguished from the "reduction" (general and simultaneous decrease) of armaments, which in turn may be distinguished from "disarmament" (reduction to the minimum necessary for internal police, defense of frontiers against uncivilized tribes, and international action for the preservation of world order). See B. F. Trueblood, *The Case for Limitation of Armaments*, American Journal International Law, 2: 758 (1908); Coulet, *La Limitation des Armements*, 1910, p. 1; Report of Sixth Committee to First Assembly of League of Nations, December 14, 1920, First Assembly Document, No. 199 and Provisional Verbatim Record of First Assembly, 22: 6. The "limitation of armaments" is, however, often used in a general sense to cover all three steps.

bility of a general reduction of armaments has been discussed at the Hague Conferences of 1899 and 1907, and in the Military Commission, the Council and the Assembly of the League of Nations since its establishment in 1920.

2. NEUTRALIZATION AND DISARMAMENT OF AREAS

Limitations upon the area of war have been planned by the neutralization of states and the regulation of neutrality; by the neutralization or disarmament of defined geographical areas, especially lakes, rivers, straits, canals and international boundaries; and by the prohibition or restriction of the traffic in arms in defined areas, especially in uncivilized or insurrectionary territory. Numerous bi-lateral and general conventions have been concluded on these subjects.

3. RESTRICTIONS UPON THE INSTRUMENTS OF WAR

Limitations upon the instruments of war have taken the form of complete prohibition of certain inventions or types of forces; and of prohibition of the *use* of such inventions or forces for certain purposes. The laws of war have generally followed the second of these forms, forbidding the use of all military materials and forces in a manner to produce unnecessary hardship upon enemy forces, civilians or property. The general law of war or special conventions have in a few cases prohibited designated instruments of war such as poison, poison gases, and small explosive bullets. The extension of such restrictions to other instruments such as submarine vessels, and bombing aircraft has been urged.

4. RESTRICTIONS UPON THE METHOD OF ACQUIRING WAR MATERIALS AND FORCES

Proposals for prohibiting or regulating the private manufacture of arms, the purchase of arms in neutral territory, the export and import of war material to or from specified places, the conversion of merchant vessels into war vessels, conscription, the recruiting of uncivilized colonials and other methods of acquiring military instruments and forces have been considered incidentally in discussions of a general limitation of armaments. Such prohibitions, while not required by international law as generally recognized, have been the subject of a few special treaties.

5. RELATION OF PLANS FOR PREVENTING WAR TO PLANS FOR LIMITING ARMAMENTS

Plans for voluntary or compulsory judicial settlement, arbitration, mediation, conciliation or investigation of international disputes and for combined international action to prevent violations of the peace have not been included

in this *résumé*. Although a limitation of armaments has been urged as a step toward the elimination of war, the primary argument has been economy and amelioration of the hardships of war so far as military objects permit. Efforts aimed directly at the preservation of peace and the elimination of war belong in a different category, though doubtless such efforts would, if effective, result in a material diminution of armaments.

II.

HISTORY OF THE EFFORT TO LIMIT ARMAMENTS BY INTERNATIONAL AGREEMENT

In the Chinese age of confusion (6th century B. C.) the northern Hwang Ho states, Ts'i and Ts'in formed a league to make war against the Yangtse Valley state Ch'u. The League was successful and made a treaty incorporating its rival and providing for general disarmament. This treaty, which is said to have kept the peace for 100 years, seems to be the earliest armament limitation agreement on record.¹ During the middle ages the effort was made to limit the time during which war was legitimate by the "Truce of God" rather than to limit the material of war. The plans for international organization of Dubois (1305), Podebrad (1462), Sully (1600), and Alberoni (1736) were aimed at the Turks and advocated an increase rather than diminution of armaments. Jean Bodin in his *Six livres de la République* (1577) opposed standing armies and the Abbé St. Pierre thought his *Projet de la Paix Perpétuelle* (1713) should be favorably received because it would lead to a reduction of military expenses. Kant opposed standing armies in his *Von Ewigen Frieden* (1795) and Bentham discussed the subject in his book written about the same time but not published until 1843.²

The first official proposal in modern times for the limitation of national armaments by agreement seems to have been made by the Austrian Chancellor, Prince Kaunitz, to Frederick the Great of Prussia soon after the Seven Years' War (1766).³ The latter rejected the offer. Two decades later, however, in 1787, France and England actually agreed to discontinue military preparations and to reduce their navies to a peace footing.⁴ Since the Napo-

¹ H. G. Wells, *The Outline of History*, 1921, 1: 205.

² Robert Coulet, *La Limitation des Armements*, a doctoral thesis of the University of Paris, 1910; Wehberg, *Limitation des Armements*, Bruxelles, 1914, translated by Carnegie Endowment for International Peace, 1921, pp. 5-6, and the same author's more exhaustive historical research, *Die internationale Beschränkung der Rüstungen*, Stuttgart und Berlin, 1919, pp. 3-9; Fried, *Handbuch der Friedensbewegung*, Berlin und Leipzig, 1913, 2: 3-56.

³ Fried, *op. cit.*, 2: 32.

⁴ Martens, R. T., 2nd. ed., 4: 279, 313; Wehberg, *Die internationale Beschränkung der Rüstungen*, pp. 258-260.

leonic Wars discussions of the subject have taken place with increasing frequency. Four periods may be conveniently distinguished: 1815-1870, 1870-1904, 1904-1914, 1914-1921.

I. 1815-1870

After the treaty of Vienna, Europe, exhausted by twenty years of war, was ready for peace and gained it under the system of Metternich. National armaments were of a size which would seem insignificant today, and the alliance of the great powers created by the treaties of Chaumont and Paris which developed into the so-called "Concert of Europe," prevented the development of excessive competition in armament building,⁵ though by 1840, alarm began to be manifested in Great Britain over the Russian and French naval building, and after the Crimean war, Anglo-French naval rivalry became evident.⁶ Toward the end of this period, the combined effect of agitation for more popular government, of movements for national solidarity and of rivalry among the powers in the Near East led to a weakening of the Concert of Europe, a series of wars, and great increases in the normal size of military establishments and budgets.⁷

The problem of reducing armaments, though relatively less important than in the later periods, was the subject of occasional parliamentary discussion, especially in England⁸ and of proposals for international agreement by Alexander I of Russia (1816),⁹ by Louis Philippe of France (1831),¹⁰ by the Italian General Garibaldi (1860),¹¹ by Richard Cobden of the British House of Commons (1861),¹² and by Napoleon III of France (1863, 1867, 1870).¹³ Prince Metternich was favorable to the idea.¹⁴ Great Britain, though favoring the limitation of armaments,¹⁵ showed a tendency to fear political involvements¹⁶ and these proposals came to nothing.

⁵ See Phillips, *The Confederation of Europe*, London, 1913; Martens, *Recueil de Traité et Conventions conclus par la Russie avec les Puissances Etrangères*, 11: 256.

⁶ Cobden, *Three Panics, Political Writings*, London, 1903, 2: 540; Encyclopedia Britannica, 11th ed., "Navy," 19: 309.

⁷ Anderson and Hershey, *Diplomatic History*, Washington, 1918, p. 468.

⁸ Hansard, *Debates*, 59: 403, 144; 1679. Fried, op. cit. 2: 73; Cobden, op. cit. 2: 544, 691. The subject was also discussed by economists such as Bastiat, *Œuvres Complètes*, Paris, 1854, 5: 340, translated in Carnegie Endowment for International Peace, Division of International Law, Pamphlet No. 22, p. 27.

⁹ Martens, *Traité conclus par la Russie*, 4: 36, 11: 258; Carnegie, pamphlet No. 22, p. 1; Coulet, op. cit., pp. 34-46; *Revue de droit international*, 26: 573-585.

¹⁰ *Memoirs of Prince Metternich*, New York, 1882, secs. 1007, 1008, 1020, 1021.

¹¹ *Memoirs of Bertha von Sultner*, Boston, 1910, 1: 358, 2: 111-114.

¹² Cobden, op. cit. 2: 700.

¹³ *Archives Diplomatiques*, 1863, 4: 188, 1864, 1: 44-82, 364; *Staatsarchiv*, 5: 459, 509-532; Carnegie, Pamphlet No. 22, p. 3; Lord Lyons, *a record of British Diplomacy by Lord Newton*, London, 1913, 1: 246-279; Fried, op. cit. 2: 75, 80; Coulet, op. cit. pp. 47-72, Albert Pingaud, *Revue de Paris*, May 15, 1899, 3: 286-308.

¹⁴ Supra note 10.

¹⁵ Supra note 8.

¹⁶ Supra notes 9 and 13. Note of Lord John Russel, November 1863, *Staatsarchiv*, 5: 516; *Archives Diplomatiques*, 1864, 1: 53.

Though no agreements for a general limitation of armaments were made during this period, several conventions attempted to limit the area and instruments of war. Switzerland (1815),¹⁷ Cracow (1815-1846),¹⁸ Belgium (1831-1919),¹⁹ the Black Sea (1856-1871),²⁰ the Aaland Islands (1856),²¹ the Ionian Islands (1863),²² and Luxembourg (1867-1919),²³ were neutralized. Great Britain and the United States agreed to refrain from arming on the Great Lakes (1817),²⁴ or in a hypothetical trans-isthmian canal (1850-1901).²⁵ The neutralization of trans-isthmian routes was also provided in American treaties with New Granada (Colombia) (1846),²⁶ Honduras (1864),²⁷ and Nicaragua (1867-1902).²⁸ In the treaty of Adrianople (1829) Russia and Turkey agreed not to arm on the right bank of the Danube.

The use of privateers and explosive bullets under 400 grams was prohibited by the declarations of Paris (1856),²⁹ and St. Petersburg (1868),³⁰ ratified by most of the powers, except the United States. The immunity of personnel and material for the relief of the sick and wounded in battle was provided by the generally accepted Geneva or Red Cross Convention of

¹⁷ Martens, *Nouveau Recueil de Traités*, 2: 379, 740; *American Journal of International Law*, Supplement, 3: 106; Willoughby and Fenwick, *Types of Restricted Sovereignty and of Colonial Autonomy*, Washington, 1919, p. 84; See League of Nations, *Official Journal*, 1920, No. 2, p. 58, for relation to League of Nations.

¹⁸ Martens, *N. R.*, 2: 251, 379; Hertslet, *Map of Europe by Treaty*, 2: 1061-1076; Willoughby and Fenwick, *op. cit.*, p. 29.

¹⁹ *British and Foreign State Papers*, 18: 893; Martens, *N. R.*, 16: 790; *American Journal International Law*, Supplement, 3: 108; F. L. Warrin, *The Neutrality of Belgium*, Washington, 1918. For abandonment of Belgian neutralization, see Treaty of Versailles, 1919, Articles 31, 40.

²⁰ Treaty of Paris, 1856, Articles 11-14, *American Journal International Law*, Supplement, 3: 114; Treaty between Russia and Turkey, 1856, Martens, *N. R. G.*, 15: 786.

²¹ Treaty of Paris, 1856, Article 33, and separate convention between Great Britain, France, and Russia of the same date; Martens, *N. R. G.*, 15: 773, 788; Oakes and Mowat, *Great European Treaties of the Nineteenth Century*, 1918, p. 174; *American Journal International Law*, 2: 379. The decision of the League of Nations Council, June, 1921, awarding the Aaland Islands to Finland, recommended a new convention by the Baltic Powers to strengthen their neutralization. Monthly Summary of the League of Nations, No. 3, 141. Report of Secretary General to Second Assembly, Document No. 9, pp. 18-20.

²² *American Journal International Law*, Supplement 3: 116.

²³ Martens, *N. R. G.*, 18: 448; *American Journal International Law*, Supplement 3: 118. For abandonment of Luxembourg neutralization, see League of Nations, Assembly, Provisional Verbatim Record, Twenty Sixth Plenary Session, December 16, 1920, p. 6.

²⁴ Malloy, *Treaties*, etc., 628. See also Senate Document No. 9, Thirty-second Congress, Second Session, reprinted in Carnegie Endowment for International Peace, Division of International Law, Pamphlet No. 2. Barclay, *Problems of International Practice and Diplomacy*, 1917, p. 79.

²⁵ Malloy, *Treaties*, etc., pp. 659, 782.

²⁶ *Ibid.*, p. 312; *American Journal International Law*, Supplement 3: 108.

²⁷ Malloy, *Treaties*, etc., p. 957.

²⁸ *Ibid.*, p. 1285. Free navigation of the Danish Sounds was assured by treaties of 1857 (*Ibid.*, p. 389) but there was no provision for neutralization. Treaties of 1658, 1759, and 1780 had attempted to exclude war from the Baltic (Barclay, 1907, p. 73).

²⁹ Declaration of Paris, *British and Foreign State Papers*, 61: 155; Martens, *N. R.*, 15: 731; Higgins, *The Hague Peace Conferences*, Cambridge, 1909, p. 1.

³⁰ Declaration of St. Petersburg, Martens, *N. R.*, 18: 450; Higgins, *op. cit.* p. 5.

1864.³¹ The attempted extension of this convention to naval war in 1868³² was not accepted until the first Hague Conference of 1899.³³

2. 1870-1904

The second period was initiated by the Franco-Prussian war which resulted in the dominance of Germany on the continent of Europe. It continued with rumblings in the Near East resulting in the Russo-Turkish war and the treaty of Berlin, soon followed by the opening of Africa and the renewal of colonial rivalry between the powers. It drew to a conclusion with wars in Abyssinia, South Africa, Cuba, the Philippines and China. National military expenditures increased rapidly.³⁴ The new German Empire took the lead in army effectives and equipment, while Great Britain became concerned at the threat to her sea supremacy in the increasing strength of the Russian and French navies after the creation of their entente in 1890. This concern changed to alarm when the new navies of Italy, the United States, Germany and finally Japan began to assume formidable proportions in the late nineties.³⁵

The problem of limiting armaments, primarily as a relief from taxation burdens, became widely discussed. Consideration of the question was proposed in the assembly of the Institute of International Law in 1887 and several members offered suggestions though the subject was decided to be foreign to the work of the Institute.³⁶ Parliamentary discussion of the subject became more pronounced in the nineties,³⁷ and official recognition of the growing sentiment was accorded in 1898 by the Mouraviëff circular to the more important states of the world, embodying the Czar's invitation to a conference "for seeking the most effective means of ensuring to all peoples the benefits of a real and lasting peace, and above all of limiting the progressive development of existing armaments."³⁸ The conference met at The Hague in the summer of 1899 and among other things debated the Russian proposals for an agreement not to increase existing naval and military forces for periods

³¹ *British and Foreign State Papers*, 57: 471; Martens, *N. R.*, 18: 607; Higgins, op. cit. pp. 8, 18.

³² Martens, *N. R. G.*, 18: 612; 20: 400; Higgins, op. cit. p. 14.

³³ III Hague, 1899; X Hague, 1907; Higgins, op. cit. p. 358.

³⁴ Anderson and Hershey, op. cit., p. 468.

³⁵ *Encyclopedia Britannica*, 11th edition, "Navy," 19: 310.

³⁶ *Revue de Droit International*, 19: 130, 339, 364, 398. See statements by Rolin Jacquemyns, Lorimer, Kamoroviski, *Ibid.*, 398, 473, 479, reprinted in Carnegie Endowment, pamphlet No. 22, p. 5, et seq. For other discussions during this period see D. D. Field, *Draft Outlines of an International Code*, Article 528, 2nd ed., 1876, p. 367; Merignhac, *Traité Théorique et Pratique de l'arbitrage international*, Paris, 1895, Section 549, p. 512; Block, *Russian Councillor of State*, Der Krieg, Berlin, 1899, vol. VI; Prince L. E. Obolenski, *The Novosti*, (St. Petersburg, News), 1899. All reprinted in Carnegie Endowment Pamphlet No. 22, pp. 19-32. See also Coulet, op. cit., pp. 73-79 and Webberg, *Limitation of Armaments*, 1921, quoting proposals of Raoul de la Grasserie, 1894, H. W. Blymer, 1892, pp. 72-74.

³⁷ Fried, op. cit., 112 et seq.; Coulet, op. cit., p. 78.

³⁸ *Reports to the Hague Conferences of 1899 and 1907*, J. B. Scott, editor, Carnegie Endowment for International Peace, Division of International Law, 1917, p. 1.

of three and five years respectively. Because of the opposition of Germany and the lukewarmness of most of the other great powers, nothing was accomplished in this direction beyond expression of the opinion "that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind," and of the wish "that the Governments taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces."³⁹ Chile and the Argentine alone followed this advice by a five-year agreement for naval reduction made in 1902 but not renewed.⁴⁰

During this period the colonial powers began to enforce restrictions against trading in arms in their African and Pacific Colonies⁴¹ and a general agreement for this purpose, applicable to Central Africa, was made at Brussels in 1890.⁴² The United States agreed to restrict such trade in Korea by special treaty⁴³ and the suggestion was discussed for the conventional extension of the principle to the Pacific Islands,⁴⁴ with no results beyond such limited agreements as those relating to Samoa (1889-1899)⁴⁵ and Timor (1893).⁴⁶ In their treaty with China liquidating the Boxer troubles, however, the powers including the United States obliged China to prohibit the importation of arms (1901).⁴⁷ This limitation had been reciprocally agreed to by China and Korea in their treaty of 1899⁴⁸ and was included in some of the lease treaties of the time,⁴⁹ as also in the Chinese international customs rules of 1902.⁵⁰

³⁹ Ibid., pp. 172-174; *Proceedings of the First Peace Conference at the Hague*, 1899, Carnegie Endowment edition, pp. 305 et seq. See also *Memoirs of Bertha von Suttner*, 1910, 2: 291, 303, 306-311; Andrew D. White, *Autobiography*, 2: 250 et seq.; Higgins, op. cit., pp. 75-78; Auguste Beernaert, *Proceedings of the Fourteenth Interparliamentary Union*, 1906, pp. 154-155; *Report of American Delegates to the Secretary of State*, Carnegie Endowment edition of Instructions and Reports of American Delegates to the Hague Conferences; Holls, *The Peace Conference at the Hague*; Barclay, *Problems*, pp. 123 et seq.; Coulet, op. cit., pp. 83-157.

⁴⁰ *British Parliamentary Papers*, Miscellaneous No. 4, (1905); See also statement of Admiral Badger, *Hearings Before Committee on Naval Affairs*, House of Representatives, February 4, 1921, on Naval Policy of the United States, p. 677; and Barclay, *Problems*, p. 128, *Collapse and Reconstruction*, Boston, 1919, p. 181; and Coulet, op. cit., pp. 184-200.

⁴¹ See *British and Foreign State Papers*, Index, 1907, title, "Arms," for such regulations by Great Britain, France, Italy, Portugal and Germany.

⁴² Brussels General Act, Malloy, *Treaties*, etc., p. 1970. This was superseded in part by the Treaty of Saint Germain, September 10, 1919; British Treaty Series, No. 12, (1919); see also A. H. Snow, *The Question of Aborigines*, Washington, 1919, p. 179.

⁴³ Malloy, *Treaties*, etc., p. 338.

⁴⁴ Note of Secretary of State Bayard to British Minister Sackville-West, April 11, 1885, quoted in Snow, op. cit., p. 179.

⁴⁵ Malloy, op. cit., pp. 1576, 1596 (United States-Germany-Great Britain).

⁴⁶ *British and Foreign State Papers*, 85: 394 (Netherlands-Portugal). See also French-British agreement relating to the New Hebrides, 1906, Ibid., 99: 248, and French-British-Italian agreement relating to Abyssinia, 1906, Ibid., 99: 252.

⁴⁷ Powers-China, 1901, MacMurray, *Treaties and Agreements with and Concerning China*, 1894-1919, p. 282.

⁴⁸ China-Corea, 1899, Ibid., p. 212.

⁴⁹ Germany-China, 1899, Ibid., p. 198. See also customs regulations for Kwangmoon, Kwantung, and the Yangtse, Ibid., 477, 638, 167.

⁵⁰ Rule No. III, 1902, Ibid., p. 450. See also revisions of 1908 and 1918, Ibid., pp. 737-740, 1484.

A number of treaties made during this period provided for the creation of "buffer zones" by the disarmament of boundaries. Thus the boundaries of Cambodia and Cochin-China, China and Burma, Spain and Morocco were disarmed by treaties of 1882, and 1894.⁵¹ By a treaty of 1896 Great Britain and France agreed not to move troops into a defined area of Siam.⁵² In the Boxer liquidation treaty referred to, China agreed to raze the Taku forts near Peking⁵³ and by a treaty of 1904, Tibet agreed to raze the forts between the British frontier, Gyantse and Lhasa.⁵⁴

The Basin of the Congo was neutralized by the Berlin act of 1885,⁵⁵ as were the Straits of Magellan,⁵⁶ the Suez,⁵⁷ and the Panama Canals,⁵⁸ by treaties of 1881, 1888 and 1901 respectively. Little meaning, however, seems to have been attached to the term as used in this connection. In fact, the Hay-Pauncefote treaty of 1901, provided for a much less rigorous neutralization of the trans-isthmian canal than had the Clayton-Bulwer treaty of 1850, since it was interpreted to permit fortification of the canal by the United States.⁵⁹

Progress was made toward the codification of the rules of war, especially in the Hague Conference⁶⁰ which completed the attempt of the Brussels conference of 1874,⁶¹ based on Lieber's instructions to the United States Armies of 1863.⁶² The use of poison and poisoned weapons,⁶³ weapons causing unnecessary suffering,⁶⁴ expanding bullets,⁶⁵ projectiles for the sole purpose of diffusing asphyxiating or deleterious gases⁶⁶ and aircraft for dropping explosives were here prohibited, the last for a period of five years only.⁶⁷

⁵¹ China-Great Britain, with reference to Burma, 1894, *Ibid.*, p. 1; Barclay, *Problems*, pp. 77, 154.

⁵² MacMurray, *China Treaties*, p. 54; Barclay, *Problems*, p. 77.

⁵³ Powers-China, 1901, Article 8, *Ibid.*, pp. 282, 317.

⁵⁴ Great Britain-Tibet, 1904, Article 8, *Ibid.*, p. 579.

⁵⁵ Berlin General Act, 1885, *American Journal International Law*, Supplement, 3: 7, 14. See also Snow, *op. cit.*, Chapters 10, 11, 12; Barclay, *Problems*, p. 75.

⁵⁶ Argentine-Chile, 1881, *British and Foreign State Papers*, 72: 1103; *American Journal International Law*, Supplement 3: p. 121.

⁵⁷ Suez Canal Act, 1888, *British and Foreign State Papers*, 79: 18; *American Journal International Law*, Supplement; 3: 123.

⁵⁸ United States-Great Britain, Malloy, *Treaties*, etc., p. 782.

⁵⁹ See P. C. Harris, *American Journal International Law*, 3: 354; G. W. Davis, *Ibid.*, 3: 885.

⁶⁰ II Hague, 1899.

⁶¹ Higgins, *op. cit.*, p. 273.

⁶² War Department, General Order 100, April 24, 1863. Naval War College, *International Law Discussions*, 1903, p. 115.

⁶³ II Hague 1899, Article 23 (a).

⁶⁴ II Hague 1899, Article 23 (c).

⁶⁵ Declaration III. Hague 1899, Higgins, *op. cit.*, p. 495. The United States did not sign this Declaration.

⁶⁶ Declaration II. Hague 1899, Higgins, *op. cit.*, p. 491. The United States did not sign this Declaration.

⁶⁷ Declaration I. Hague 1899, Higgins, *op. cit.*, p. 488.

3. 1904-1914

The third period, initiated by the Russo-Japanese war and the development of Far Eastern rivalries and terminated by the Italo-Turkish and Balkan wars, evidencing continued difficulty in the Near East, was marked by an increase in military and naval expenditures beyond the highest limits set in the previous period. The reduction of Russian military power by the Japanese war and the rise of the German navy, led to diplomatic realignments. The establishment of the triple entente, however, seemed to result in the need of more strenuous efforts by Great Britain and France to keep pace with the German naval and military preparations, respectively.⁶⁸

The urgency of limiting expenditures because of their danger both to peace and financial stability was recognized by frequent debate in most of the parliaments of the world.⁶⁹ Attention was given to the subject by writers and associations.⁷⁰ The Interparliamentary Union debated the subject in 1906 and again in 1912.⁷¹ Such statesmen as Premier Campbell-Bannerman, Sir Edward Grey, Presidents Roosevelt and Taft frequently referred to the problem but little progress was made.⁷² The Second Hague Peace Conference of 1907, though noting the acceleration of armament programs, could not get beyond a reiteration of the suggestions of the First Conference. Germany had blocked action by refusing to attend the conference if the subject were to be debated. Great Britain was the leading protagonist of limitation, her delegates offering to exchange information annually on naval programs.⁷³ After

⁶⁸ Anderson and Hershey, op. cit., p. 470.

⁶⁹ Fried, op. cit., 2: 166-175, 203-225; Barclay, *Problems*, 124-128; Coulet, op. cit., p. 158-170.

⁷⁰ Mention may be made of Barclay's *Problems*, 1907; Butler's *The International Mind*, 1912; Coulet's *La Limitation des Armements*; Fried's *Handbuch der Friedensbewegung*, 1913; Brailsford's *War of Steel and Gold*, 1914; Schroeder's *Discussion Before the International Law Association*, 1907; Scott's *The Hague Peace Conferences*, 1909, 1: 54-62, 654-672, and Wehberg's *Limitation des Armements*, 1914, translated into English by Carnegie Endowment for International Peace, 1921, which includes extracts from the following as well as others: Umfrid, *Europa den Europäern*, 1913, p. 86; Rear Admiral Glatzel, *Deutsche Revue*, November, 1911, p. 299; Lujo Brentano, *Neue Freie Presse*, Vienna, December 24, 1911; Jacques Dumas, *Compte Rendu*, Seventh National French Peace Congress, 1911, p. 131; Schücking, *die Organisation der Welt*, 1909, p. 78; Vice Admiral von Ahlefeld, *Deutsche Revue*, May 1912, p. 142; Gaston Moch, *Vers la fédération d'occident désarmons les Alpes*, 1905, p. 31; Captain Perseus, *Berliner Tageblatt*, February 3, 1914; Tornet, *La Limitation Conventionnelle des Armements*, 1912, p. 151; Dr. Ludwig Quidde, draft submitted to the Twentieth Universal Peace Congress at the Hague, 1913. The last is by far the most detailed proposal ever made.

⁷¹ See reports by Baron D'Estournelles de Constant, and discussion thereon, Proceedings, Fourteenth Conference, London, 1906, pp. 127-159; Seventeenth Conference, Geneva, 1912, pp. 85-113; 229-254; 350-351. See also, discussion, International Law Association, Twenty-fourth Session, Portland, Me., 1907, p. 39.

⁷² Fried, op. cit., 2: 166 et seq.; World Peace Foundation, Pamphlet Series, No. 1, Part II, April, 1911; Barclay, *Problems*, 125.

⁷³ *Reports to the Hague Conference*, Carnegie edition, pp. 892-897. See also *Instructions to the United States Delegates* (Carnegie edition of Instructions and Reports), and *to British Delegates* (Higgins, op. cit., p. 614); Fried, op. cit. 2: 173; Higgins, op. cit., pp. 76-78; Barclay, *International Law and Practice*, 1917, pp. 31-33; Haldane, *Before the War*, London, 1920, p. 40, 45; Coulet, op. cit., pp. 171-183.

the conference, parliamentary discussion of the subject was almost continuous. Premier Asquith, Foreign Secretary Grey and First Lord of the Admiralty Churchill favored a general limitation in the British House of Commons, and resolutions urging a conference were passed in the German, American, Austro-Hungarian and French legislative bodies.⁷⁴ Though this agitation resulted in a definite invitation by President Taft to a conference on the subject in 1910,⁷⁵ in Lord Haldane's discussions with Germany in 1912⁷⁶ and in the offer of a naval holiday by Winston Churchill, First Lord of the British Admiralty, in 1913,⁷⁷ no reduction of budgets ensued.

A method for limiting the area of war by a general guarantee of states which voluntarily declared themselves neutral, was discussed in the Interparliamentary Union in 1913.⁷⁸ This, like the proposal to neutralize Spitzbergen in 1912,⁷⁹ came to nothing. The permanent neutrality of Honduras was, however, recognized in the Central American Peace Treaty of 1907,⁸⁰ as was the non-fortifiability of the Island of Sakhalien in the Russo-Japanese peace treaty of 1905.⁸¹ During the following year, acting upon a tacit agreement, Italy and France began to reduce the armament of their common frontier. In March, 1913, Russia and Austria agreed to reduce the strength of companies on the Galician frontier and in the Treaty of Bucharest (1913) Bulgaria agreed to raze fortresses on the Roumanian frontier and to reduce her army to peace strength.⁸²

The treaties of 1905, sanctioning the separation of Sweden and Norway, provided for the neutralization and disarmament of their common boundary.⁸³ Suggestions for the neutralization of the Baltic, reviving attempts of two centuries earlier, were made in Germany in 1905.⁸⁴ The neutralization of certain

⁷⁴ Fried, *op. cit.*, 2: 203 et seq. For German resolution, March 31, 1911, United States, November 16, 1910, Austro-Hungarian, March 21, 1911, French, February 23, 1911, see *ibid.*, pp. 215, 216, 219, 220, and Interparliamentary Union, Documents Nos. 3-6, 1911.

⁷⁵ Joint Resolutions, June 25, 1910, and annual message of President Taft, December 6, 1910. See debate on the resolution, June 20, 1910, and House Report, No. 1440, Sixty-first Congress, Second Session. These documents and record of debate in various European Parliaments on the resolution are printed in Interparliamentary Union, Document No. 6, 1911.

⁷⁶ Viscount Haldane, *Before the War*, 1920, pp. 52-72.

⁷⁷ Fried, *op. cit.*, 2: 203; Wehberg, *Limitation of Armaments*, 1921, pp. 35-39; on proposal of President Wilson, Colonel House and Ambassador Page to forward this plan, see Burton Hendrick's *Life and Letters of Walter Hines Page*, of which extracts appeared in the *World's Work*, October, 1921, 62: 560.

⁷⁸ Interparliamentary Union, Eighteenth Session, The Hague, September 3, 1913, Proceedings, p. 355; Annuaire, 1914, pp. 39-50. A proposal to neutralize all oceanic straits and canals was discussed at the Sixteenth Conference, Brussels, 1910, Annuaire, 1914, pp. 36-39; Barclay, *Problems*, pp. 74, 180.

⁷⁹ L. H. Gray, *Spitzbergen and Bear Island*, Washington, 1919. Proposals to neutralize the Philippine Islands have been made from time to time. See Winslow, *Neutralization*, American Journal International Law, 2: 366-386 and Vestal, *the Maintenance of Peace*, 1921, pp. 410-422.

⁸⁰ Malloy, *Treaties*, etc., p. 2393.

⁸¹ Article 9, MacMurray, *China Treaties*, p. 524.

⁸² Wehberg, *Limitation of Armaments*, 1921, pp. 29, 34, 66.

⁸³ Martens, *N. R. G.*, II, p. 703; American Journal International Law, Supplement 1: 171; Barclay, *Problems*, p. 77.

⁸⁴ Barclay, *Problems*, p. 73 and *supra* note 25.

ocean routes⁸⁵ and the localization of the area of maritime war by prohibiting visit and search in distant waters⁸⁶ were among suggestions made upon the approach of the Second Hague Conference.

The policy of restricting arms trade in turbulent and uncivilized regions was carried on by provisions in the Algeciras Convention of 1906, dealing with Morocco,⁸⁷ and by resolutions of the American Congress in 1912,⁸⁸ founded on one of 1898,⁸⁹ and suggested by the Mexican situation, which authorized the President to proclaim an arms embargo against American countries in a state of domestic violence. The Hague Convention of 1907, expressly stated that neutral governments were not bound to prohibit the shipment of arms or munitions of war, other than war vessels, to belligerents, though they must themselves abstain from such trade.⁹⁰

The Hague Conference of 1907 revised the rules of warfare adopted in 1899,⁹¹ and extended the prohibition against bombing from aircraft to the close of the third peace conference though this declaration was not generally ratified.⁹² The Conference also attempted to regulate automatic submarine contact mines,⁹³ and auxiliary naval vessels. The convention dealing with the latter subject specified the conditions which a merchant vessel converted into a war vessel must observe to avoid the penalty attached to privateering.⁹⁴

4. 1914-1921

The final period, beginning with the World War, has seen the world reduced to a state of economic exhaustion resembling that of a hundred years ago. There has developed a considerable literature on the subject of limiting armaments and private organizations devoted to international questions have

⁸⁵ *Ibid.*, p. 81.

⁸⁶ *Ibid.*, pp. 71, 74. Precedents for this existed in the agreement (not, however, sanctioned by the French Government), of a French and a German commander at Nagasaki, to regard Far Eastern waters as neutral in 1870; in British orders of 1900, forbidding visit and search far from the seat of war, and in British proposals to this end during the Russo-Japanese war.

⁸⁷ Algeciras General Act, 1906, Malloy, *Treaties*, etc., p. 2162.

⁸⁸ United States Joint Resolution, March 14, 1912. See proclamation under this resolution prohibiting arms trade to Mexico, October 19, 1915, World Peace Foundation, Pamphlet Series VI, No. 2, p. 89.

⁸⁹ United States Joint Resolution, April 22, 1898. See Proclamation under this resolution prohibiting arms trade to San Domingo, October 14, 1905. *British and Foreign Papers*, 101: 638.

⁹⁰ V Hague, 1907, Article 7; XIII Hague, 1907, Articles 6-8; Higgins, *op. cit.*, pp. 291, 464. Germany protested against the failure of Great Britain to prohibit arms trade to France during the war of 1870 but the British Government asserted, on the basis of precedents of the Crimean war and others, that neutrals were under no such obligation. *British and Foreign State Papers*, 61: 714, 759-766, 870.

⁹¹ IV Hague 1907, Higgins, pp. 208-272.

⁹² XIV Hague, 1907, Higgins, *op. cit.*, pp. 485-491.

⁹³ VIII Hague 1907, Higgins, *op. cit.*, pp. 321-345.

⁹⁴ VII Hague 1907, Higgins, *op. cit.*, pp. 308-321.

given it study.⁹⁵ The official statement of war aims by the United States accepted by the Allies and by the enemy powers, included a demand for "adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety."⁹⁶ The armistices⁹⁷ and treaties⁹⁸ ending hostilities provided for the disarmament of Germany, Austria, Hungary, Bulgaria, and Turkey to the minimum necessary for domestic police, "in order to render possible the initiation of a general limitation of the armaments of all nations." This article of the Treaty of Versailles has been accepted by the United States in the special treaty with Germany signed August 25, 1921.⁹⁹ The League of Nations, established by the treaties, and now including all recognized states except the United States, Germany, Hungary, Turkey, Russia, Mexico, San Domingo, Abyssinia, Afghanistan, Monaco, and Lichtenstein¹⁰⁰ provides for the formulation of a plan of armament reduction by the League Council to be submitted to the governments and, if accepted, not to be exceeded for ten years without the concurrence of the Council. The Members of the League recognize "that the maintenance of peace requires the reduction of national armaments to the

⁹⁵ Contributions may be mentioned by Lord Bryce and Tommaso Tittoni, at the Williamstown Institute of Politics, 1921; Colonel Davies at the meetings of the Grotius Society and the International Law Association, 1919, 1920; Herr Erzberger (*The League of Nations*, 1919); S. C. Vestal (*The Maintenance of Peace*, 1920); J. L. Garvin (*The Economic Foundations of Peace*, 1919); General Tasker H. Bliss (*What Really Happened at Paris*, 1921); Major Sherman Miles (*Saturday Evening Post*, May 28, 1921); Sir Frederick Pollock (*The League of Nations*, 1920); Hans Wehberg (*Die internationale Beschränkung der Rüstungen*, 1919); Sir Thomas Barclay (*International Law and Practice*, 1917, *Collapse and Reconstruction*, 1919); W. H. Taft (*The Covenanter*, 1919).

⁹⁶ Point No. 4, of the 14 points in address of President Wilson, January 8, 1918, accepted by allied and German governments as a basis of peace in exchange of notes, November 5, 1918, Naval War College, International Law Documents, 1911, p. 211; International Conciliation, No. 123. For statements of allied and enemy statesmen accepting the 4th point, see War Aims of Belligerents A League of Nations, vol. 1, No. 3, February, 1918.

⁹⁷ For Armistices with Germany, Austria, Hungary, Bulgaria, and Turkey, see N. W. C., International Law Documents, 1918; International Conciliation, No. 133.

⁹⁸ For Treaties of Versailles, (Germany, June 28, 1919), Saint Germain (Austria, September 10, 1919), Neuilly (Bulgaria, November 27, 1919), Trianon (Hungary, June 4, 1920), Sèvres (Turkey, August 10, 1920), see *American Journal International Law*, Supplement 1919-1921. The Treaty of Versailles with index is published in N. W. C., International Law Documents, 1919; without index in International Conciliation, No. 142. With French and English texts in parallel columns it has been published by the British and French governments and as Senate Document, No. 85, Sixty-sixth Congress, First Session.

⁹⁹ Preamble to Part V of the Treaty of Versailles and corresponding articles of treaties of Saint Germain, Neuilly, Trianon and Sèvres. See General Bliss, *What Really Happened at Paris*, House and Seymour editors, and Hearings of Committee on Naval Affairs, House of Representatives, Disarmaments, January 12, 1921, p. 552. Article 1, of the League of Nations Covenant provides that before admittance to the League states not members by the original Covenant "shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments." In the treaty of August 25, 1921, Article ii, "The rights and advantages stipulated in that treaty (Versailles) for the benefit of the United States which it is intended the United States shall have and enjoy are those defined in * * * part five * * * The United States in availing itself of the rights and advantages stipulated in the provisions of that treaty mentioned in this paragraph will do so in a manner consistent with the rights accorded to Germany under such provisions."

¹⁰⁰ Q. Wright, *Minnesota Law Review*, 5: 447; *The League of Nations*, 4: 206. The United States was invited to participate in the deliberations of the Disarmament Commission by the Council of the League in December, 1920, but declined (H. of R. Hearings on Disarmament, p. 536).

lowest point consistent with national safety and the enforcement by common action of international obligations," and they "agree that the manufacture by private enterprise of munitions and implements of war is open to grave objection."¹⁰¹ As a sanction for these provisions, the members of the League undertake "to interchange full and frank information as to the scale of their armaments, their military, naval and air programs and the conditions of such of their industries as are adaptable to war-like purposes." A permanent commission has been established "to advise the Council on the execution" of these provisions and "on military, naval and air questions generally." During the Peace Conference the French delegates sought to strengthen this commission by giving it powers of inspection, if not indeed constituting it a general staff for directing the military forces of the League Members as an international police force. The American and British delegates felt that this would involve an impairment of national sovereignty and the proposal was for the time abandoned.¹⁰²

The Allied Supreme Council on March 8, 1920, declared that "armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security and the League of Nations should be invited to consider as soon as possible proposals to this end."¹⁰³ Several European Parliaments have passed resolutions to the same effect.¹⁰⁴ The International Financial Conference which sat under a call of the League of Nations in September, 1920, "most earnestly" recommended conference by the League organs, "with a view to securing a general and agreed reduction of the crushing burden which in their existing scale, armaments still impose on the impoverished peoples of the world."¹⁰⁵ The Disarmament Commission, the Council and the Assembly of the League have considered the question but have accomplished little beyond a recommendation, now accepted by fifteen powers (in some cases with reservations), excluding, however, France, Poland and Japan, that military budgets be not increased for two years.¹⁰⁶ In its meeting of December, 1921, the Assembly urged the rapid

¹⁰¹ League of Nations Covenant, Article VIII.

¹⁰² Pollock, *The League of Nations*, 1920, p. 126. Tardieu, *The Truth About the Treaty*, 1921, p. 428. The League of Nations, 4: 345, August 1921. The connection between the limitation of armaments and the establishment of an international police force is emphasized in a collection of extracts from the writings of statesmen and jurists, entitled, "*War Obviated by an International Police*," edited by C. Van Vollenhoven, The Hague, 1915.

¹⁰³ The League of Nations, 3: 221 (1920). See also Kluwymer, *Documents of the League of Nations*, Leiden, 1921, p. 255.

¹⁰⁴ See Resolution of French Chamber of Deputies, October 3, 1919, and of Dutch Chamber of Deputies, *Ibid.*, 3: 29. A resolution favoring limitation of armaments introduced in the Japanese lower house by Mr. Ozaki on February 10, 1921, was defeated by a vote of 285 to 38. Similar resolutions were passed by the Nineteenth Conference of the Interparliamentary Union (August 17-19, 1921) and the Twenty-first Universal Peace Congress at Luxemburg (August 10-13, 1921). See *Advocate of Peace*, 83: 350, 353, October, 1921.

¹⁰⁵ *Ibid.*, 3: 221.

¹⁰⁶ First Assembly of League of Nations, 1920, Document No. 238, Resolution No. 16; see also League of Nations *Official Journal*, vol. 2, No. 4, p. 317, and Second Assembly Document, No. 13, giving replies received to August 22, 1921. The report of the Temporary Mixed Commission on Armaments, September 15, 1921, Second Assembly Document, No. 81, analyzes these replies.

development by the Council of plans for general disarmament,¹⁰⁷ and in its meeting of October 1, 1921, the Second Assembly resolved that "proposals on general lines for the reduction of national armaments" be presented to the Council in definite terms "if possible before the Assembly of next year."¹⁰⁸ The reports of the temporary mixed commission on armaments and of the third committee of the Second Assembly published in September, 1921 (2nd Assembly documents Nos. 81, 158) summarize the armament conditions and make proposals for limitation.

The members of the League by the Covenant have agreed "to entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest,"¹⁰⁹ and in pursuance of this article, a treaty was signed at Saint Germain in 1919 generalizing the provisions of the Brussels and Algeciras Conventions with respect to arms traffic in uncivilized regions and prohibiting all export of arms for exclusively military use, except under license to governments signatory to the treaty.¹¹⁰ A full execution of this treaty, which has been signed but not ratified by the United States, was particularly urged by the First and Second Assembly of the League of Nations.¹¹¹ The Covenant also provides that states holding Class B mandates must "guarantee the prohibition of abuses such as the arms traffic and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of the territory," and that the interests of the natives in class C mandates must be similarly safeguarded.¹¹² The mandates so far published have incorporated these provisions.¹¹³ Indiscriminate arms trade was also discountenanced in the suggestion of the President of the United States at the Second Pan American Scientific Congress in 1916 that American countries agree to prohibit arms shipments for the use of revolutionists in the new world.¹¹⁴ Exchanges of notes by the United States while neutral with Germany and Austria affirmed the pro-

¹⁰⁷ First Assembly, Verbatim record of Plenary Meeting, Nos. 22, 23; Procès-verbaux of the Sixth Committee, Nos. 2, 4, 14, 20; Report of the Committee (Document 199) and Resolution No. 16 (Document 238).

¹⁰⁸ Procès-verbaux of Third Committee; Provisional Verbatim Record, Twenty-seventh Plenary Meeting, p. 14; Report of Third Committee (Document 158) and Resolutions on Reduction of Armaments (League of Nations *Official Journal*, Special Supplement No. 6, p. 23).

¹⁰⁹ League of Nations Covenant, Article 23 (d).

¹¹⁰ Great Britain, *Treaty Series*, No. 12 (1919); *International Conciliation*, No. 164.

¹¹¹ *Supra*, notes 107, 108. See also League of Nations, Council, 1920, Document No. 72, printed also in League of Nations, *Official Journal*, November-December, 1920.

¹¹² League of Nations Covenant, Article 22, paragraphs 5, 6.

¹¹³ See Mandates for German Southwest Africa and Pacific Islands, League of Nations, *Official Journal*, January-February, 1921. Draft Mandates for East Africa, Togoland, Cameroons, Mesopotamia, Palestine, *British Parliamentary Papers*, Nos. 3, 14, 16. (1921).

¹¹⁴ *The New Pan-Americanism*, World Peace Foundation, Pamphlet Series, 1916, VI, No. 2, pp. 108, 110.

visions of the Hague Conventions permitting arms trade by neutral individuals.¹¹⁵

Many suggestions have been made for a revision of the laws of war and particularly for the prohibition of certain instruments such as poison gases, submarines, and bombing aircraft. The permanent armament commission and the Council of the League have condemned the use of poison gases in warfare.¹¹⁶

Although the United States failed to ratify the treaties of peace, Congress had manifested an interest in limiting armaments by accepting the Hensley amendment to the unusually large naval appropriation act of 1916, stating the policy of the United States to be one of pacific settlement of international disputes and authorizing the President to call a conference for discussion of a general limitation of armaments.¹¹⁷ President Wilson endorsed this policy in his statement of war aims and attempted to achieve it through the League of Nations.¹¹⁸ After the failure of the Senate to sanction the treaties,¹¹⁹ renewed discussion in 1921 resulted in a series of hearings before the House of Representatives Committee on Naval Affairs which revealed a unanimous sentiment among such men as General Pershing, General Bliss, former Ambassador White, Admiral Badger and Admiral Sims in favor of an international conference on the subject.¹²⁰ A resolution introduced by Senator Borah suggesting the calling of a conference on limiting naval armaments was discussed in the Senate;¹²¹ on July 10, 1921, President Harding announced his intention to call such a conference, and on July 12 the Naval Appropriation

¹¹⁵ See N. W. C., *International Law Documents*, 1906, p. 76; 1907, p. 115; 1912, pp. 131-134; Austria-Hungary notes, January 29, 1915, September 24, 1915, *American Journal International Law*, Special Supplement, 9: 146; 10: 354; Germany notes December 13, 1914, February 16, 1915, April 4, 1915, *Ibid.*, 9: 90, 126, 216; United States notes to Austria-Hungary and Germany, August 12, 1915, April 21, 1915, December 24, 1914, March 15, 1917, *Ibid.*, 9: 166-171, 128-129, 217; *State Department White Book*, No. 4, p. 350.

¹¹⁶ Report of Permanent Armaments Commission and Resolution of Council based thereon, at Tenth Meeting, October 28, 1920, League of Nations, *Official Journal*, November-December, 1920, p. 39; League of Nations, 3:265. See also Wright, *Minnesota Law Review*, 5: 521.

¹¹⁷ Act August 29, 1916. See A League of Nations, October, 1917, vol. 1, No. 1, p. 40. Statement of Secretary of the Navy Daniels, Hearings of Committee on Naval Affairs, House of Representatives, January 11, 1921, on Disarmament, p. 534.

¹¹⁸ *Supra* notes 96, 98. See also statement by President Wilson, September 13, 1919, quoted in Secretary Daniels' remarks cited, *supra* note, 117.

¹¹⁹ The Senate proposed to reserve "the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war," had it accepted the Covenant. (Reservation No. 10, A League of Nations, vol. 3, pp. 171, 185.)

¹²⁰ Hearing of Committee on Naval Affairs, Sixty-sixth Congress, Third Session, "Disarmament," and "Naval Policy of the United States." See also Hearings Before House Committee on Military Affairs and House Committee on Foreign Affairs, Sixty-sixth Congress, Third Session, January 1921.

¹²¹ Sixty-seventh Congress, First Session, S. J. Res. 18, introduced April 14, 1921. See also S. J. Res. 81, introduced July 7, 1921, by Mr. Pomerene.

Act authorizing a conference was signed.¹²² On August 11, 1921, formal invitations were extended to Great Britain, France, Italy, and Japan to attend a conference at Washington on November 11, 1921, to discuss the limitation of armaments and problems of the Far East. China was at the same time invited to participate in discussion of the latter question, as were Belgium, the Netherlands and Portugal on October 4, 1921.

At the first plenary meeting of the Conference, November 12, 1921, Secretary of State Hughes proposed a detailed plan for limiting naval armament based on four general principles:

- "(a) The elimination of all capital ship building programs, either actual or projected.
- "(b) Further reduction through the scrapping of certain of the older ships.
- "(c) That regard should be had to the existing naval strength of the conferring powers.
- "(d) The use of capital ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

The plan proposed a reduction of the aggregate existing and proposed capital ship tonnage of the United States, Great Britain and Japan by about 60 per cent, a cessation of all naval building for ten years, after which replacement tonnage could be built maintaining a ratio of 5, 5, 3 as between the three powers.

III.

OUTLINE FOR STUDY

A. POLITICAL, SOCIAL, AND ECONOMIC ASPECTS

1. *Need of limiting armaments.*

Limitation of armaments has been urged (a) as a means of government economy (b) as a means of decreasing the probability of war (c) as a means of ameliorating the hardships of war. It should be noticed that measures of limitation tending toward one of these ends, may not necessarily tend toward, and may even tend away from the others. Consequently the economic, political and humanitarian purposes should be considered separately.

READINGS:

Allen, Arthur W., *The Drain of Armaments*, World Peace Foundation, Pamphlet Series, June 1913.

¹²² Section 9, "Authorized and requested" the President "to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval expenditures and building programs of each of said Governments, to wit, the United States, Great Britain and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective Governments for approval." This is the wording of the Borah resolution, *supra* note 121.

- American Academy of Social and Political Science, *Annals*, 96: 45-67, July, 1921.
- Articles by Senator T. J. Walsh, Representatives F. W. Mondell, F. C. Hicks, J. J. Rogers, and Major General Bullard.
- Borah, Senator William E., addresses in the Senate, January 27, 1921 (Suspension of Naval Building), February 17, 1921 (Waste of Public Funds), March 1, 1921 (Naval Armaments), Congressional Record, 60: 2165-2169, 4168-4170.
- Cobb, Frank I., *The Need of Disarmament to Relieve Economic Exhaustion*, Atlantic Monthly, September, 1921.
- Cobden, Richard, *Three Panics*, 1862, reprinted in Political Writings, London, 1903, 1: 537-704.
- Grey, Sir Edward, Speech in House of Commons, March 13, 1911, printed in World Peace Foundation, Pamphlet Series, April, 1911.
- Harding, President Warren G., Invitation to Conference on Limitation of Armament, August 11, 1921. International Conciliation No. 169.
- Hirst, F. W., *Taxation and Armaments*, International Conciliation, No. 36, November, 1910.
- Irwin, Will, *The Next War*, New York, 1921.
- League of Nations, Second Assembly, September, 1921, Verbatim Record of 27th Plenary meeting, especially addresses of Lord Robert Cecil, representing South Africa, Bruce of Australia, Noblemaire of France and Fisher of Great Britain.
- Massachusetts Commission on the Cost of Living, Report 1910 on the Waste of Militarism, reprinted in World Peace Foundation, Pamphlet Series, October, 1912.
- Nicholas II, Czar of Russia, call to First Hague Conference, August 12, 1898 (Mouravieff circular), *Reports of the Hague Conference*, Carnegie Endowment Edition, pp. 1-2.
- Root, E., Instructions to American Delegates to the Second Hague Conference, United States Foreign Relations, 1907, pt. 2, p. 1131.
- Scott, J. B., edition of Instructions to the American Delegates to the Hague Peace Conferences and Official Reports, p. 74.
- Staggering Burden of Armament*, A League of Nations (publication of World Peace Foundation), vol. 4, Nos. 2 and 4.
- Taft, William Howard, *The Covenanter*, Nos. 11, 12, 1919, reprinted in the League of Nations, vol. 2, No. 3, June, 1919.
- United States House of Representatives:
- Hearings of Committee on Foreign Affairs, January 14, 15, 1921 "Disarmament."
- Hearings of Committee on Military Affairs, January 11, 1921, "World Disarmament."
- Hearings of Committee on Naval Affairs, January-February, 1921, "Disarmament," especially statements of Generals Pershing and Bliss, and Secretary of the Navy Daniels.
- World Friendship, Disarmament Number, vol. 1, No. 6, March, 1921, printing opinions of prominent military and naval men, statesmen, educators, clergymen, etc.

QUESTIONS:

1. What was the opinion of the International Financial conference of 1920 on the subject of armaments? (See League of Nations, vol. 3, No. 5, October 1920).

2. a) How much would the average American citizen save per year if naval budgets were reduced by half; b) the average British subject; c) the average Japanese?

3. What is the average proportion of public revenues used for direct military purposes (army, navy and air service) in the leading countries; for indirect military purposes (pensions, interest on the public debt)? Have these ratios increased since 1880?

4. Would a saving of taxes result from the abolition of a) poison gases, b) submarines, c) conscription, d) from the discontinuance of capital ship building (battleships and battle cruisers), e) from the neutralization of water routes, f) from the prohibition of private arms manufacture?

5. Is it true that preparation for war is a good way to assure peace?

6. How would you distinguish armaments for offense from armaments for defense?

7. Is it possible to distinguish armaments for internal police from armaments for defense against external aggression? Would you regard this distinction as a significant one with reference to the problem of limiting armaments? (See remarks of Lord Robert Cecil in third committee of Second Assembly of League of Nations.)

8. Can you give any examples of wars caused by competitive armament building?

9. Do you consider armament limitation for the purpose of preserving peace, putting the cart before the horse?

10. Is the rule, cited by Senator Borah, that litigants must stack their guns outside the court-room, applicable to international relations?

11. Would the probability of war be decreased a) by the abolition of poison gas, submarines, and other instruments of warfare, b) by the abolition of conscription, c) by the abolition of private arms manufacture, d) by the neutralization of islands suitable for naval bases, e) by the disarmament of land frontiers?

12. Does the piling up of armaments in time of peace render war less humane in case it does occur?

13. Would war be rendered more humane by prohibiting the use of a) poison gas, b) submarines, c) conscription, d) semi-civilized colonial troops?

14. Is the demand for armament limitation primarily economic, political or humanitarian?

15. Outline the form of armament limitation which in your opinion would a) save the most taxes, b) best assure the preservation of peace, c) ameliorate the hardships of war to the greatest possible extent. Can you think of a single principle of limitation which would effect all of these ends?

2. *Relation of Armaments to Foreign Policy.*

Armaments are always said to be built for defense. Defense may be classified as a) defense of home territory from invasion, b) defense of commerce and

overseas possessions, c) defense of foreign policies. Military strategy may require invasion of the enemy territory where the object is defense of your own. Furthermore, the *defense* of an aggressive policy, such for instance as the extreme Pan-German policy, would seem wholly *offensive*. Thus the distinction between armaments for defense and offense proves difficult to maintain. The terms offensive and defensive can be more properly applied to the policies for which armaments are used than to the armaments themselves. The more offensive a policy becomes, the less it can be maintained by recourse to diplomacy, arbitration and conciliation; the more it will require armaments for support.

The character of armaments required for the defense of home territory depends on geographical conditions. This problem is more pressing in a country, like France, surrounded by possible invaders, than in a country like the United States whose neighbors are relatively weak. For adequate defense against overseas invasion a navy need not be nearly so powerful as that of the prospective invader, because of the advantage of proximity to bases.

The defense of commerce and overseas possessions is a naval rather than a military problem. This interest is less vital in a self sustaining country like the United States than in an island country like Great Britain. The distribution of naval bases is fully as important as the size of naval forces in estimating the ability of a country to defend this interest by force.

The defense of policies may involve both land and sea forces. Where both are unduly large, there is ground for suspecting that an aggressive policy is intended. The principal American policies are the Monroe Doctrine and the Open Door in China. A careful study of these policies to ascertain their defensive or offensive character is essential for understanding the American naval problem.

READINGS:

Anderson, Frank M. and Amos S. Hershey, *Diplomatic History*, Washington, 1918, pp. 468-474.

Angell, Norman (Pseud. for Ralph Norman Angell Lane), *The Fruits of Victory*, New York, 1921.

———, *The Great Illusion*, 3rd edition, New York, 1911.

Borah, Senator W. E., *Address in United States Senate on Naval Armament*, March 1, 1921, Congressional Record, 60: 4168-4170.

Brown, Rome G., *Development of United States Militarism*, The Nation, 113: 526, November 9, 1921.

Butler, Nicholas Murray. Are We Our Brother's Keeper? *The International Mind*, New York, 1912, pp. 47-66; *Opening Address at the Lake Mohonk Conference on International Arbitration*, 1910, International Conciliation, No. 43.

Bywater, Hector C., *Sea Power in the Pacific*, a study of the American-Japanese Naval Problem, London, 1921.

Callwell, Major C. E., *The Effect of Maritime Command on Land Campaigns since Waterloo*, London, 1897. (Continues Mahan's line of historical investigation.)

- Corbett, Julian S., *Some Principles of Maritime Strategy*, London, 1918. (A standard work. Chapter I reviews principles developed by the great writers on military strategy, Clausewitz and Jomini.)
- Haldane, Viscount, *Before the War*, 1920, pp. 57-72.
- Hannay, David, *Development of Navies*, 1815-1910, Encyclopedia Britannica, 11th ed., "Navy," 19: 309-312.
- Hurd, Archibald, *The British Fleet in the Great War*, London, 1918.
- , *Naval Supremacy*, Great Britain and the United States, Fortnightly Review, 108: 916-930, December, 1920.
- Interparliamentary Union, Documents Nos. 1 to 6, 1910-1911. (Reprints parliamentary debates and resolutions indicating the attitude of the powers on armament limitation before the war.)
- Kerr, Mark, *The Problem of Navies. What Will Command the Sea?* The Nineteenth Century, September, 1921, pp. 383-392.
- Lake Mohonk Conference on International Arbitration, Report of 21st Conference, 1915, pp. 65-98. (Discussion by T. S. Woolsey, Secretary of War Lindley M. Garrison, President John Grier Hibben, Major-General Leonard Wood, Norman Angell, Rear Admiral Colby M. Chester.)
- Leyland, John, *The Problem of Navies*. The Washington Conference and its Powers. The Nineteenth Century, September, 1921, pp. 393-402.
- Loreburn, Earl, *How the War Came*, London, 1919, pp. 1-20.
- Mahan, Alfred T., *The Influence of Sea Power on History*. (Extracts from this and other historical works of Admiral Mahan, together with extracts from his works on naval strategy and policy have been conveniently brought together in "Mahan on Naval Warfare," 1918.)
- Murray, Sir Gilbert, *The Problem of Foreign Policy*, New York, 1921, pp. 100-107.
- , *The Foreign Policy of Sir Edward Grey*, Oxford, 1917.
- Pollen, Arthur H., *Disarmament in its Relation to the Naval Policy of the United States*. International Conciliation, No. 161, April, 1921.
- , *The Navy in Battle*, London, 1919, pp. 32-79.
- War Aims of Belligerents, 1918. A League of Nations, vol. 1, No. 3, February, 1918. (Contains official statements of attitude of Governments on President Wilson's IVth point of January 8, 1918.)
- Wehberg, Hans, *Limitation of Armaments*, 1921, pp. 48, 50, 87.
- United States, Hearings of Committee on Naval Affairs, January, 1921, "Naval Policy of the United States." (Especially statement of Admiral Sims.)
- On American Foreign Policy the following are particularly recommended:
- Carnegie Endowment for International Peace, Division of Intercourse and Education, Publication No. 17, *American Foreign Policy*.
- Coolidge, A. C., *The United States as a World Power*, New York, 1908.
- Fish, Carl Russell, *American Diplomacy*, New York, 1916.
- Hart, A. B., *The Monroe Doctrine*, Boston, 1916.
- Hornbeck, Stanley K., *Contemporary Politics in the Far East*, New York, 1916.
- Millard, Thomas F., *Our Eastern Question*, New York, 1916.
- , *Democracy and the Eastern Question*, New York, 1919.
- Moore, J. B., *Principles of American Diplomacy*, New York, 1918.
- Willoughby, W. W., *Foreign Rights and Interests in China*, Baltimore, 1920.

QUESTIONS:

1. Did the acquisition of the Philippines have an effect upon the size of the United States Navy? Why? Does the maintenance of the open door policy have any relation to the relative size of the navy?

2. What were the occurrences that led to the recognition of Japan as a "World Power"? Why are not China, Brazil, and Spain "World Powers?" When did the United States become a "World Power?" Comparing "World Powers" with other states is their eminence most marked in population, area, wealth, culture, army or navy?

3. What is the relation of geographic position to the defensive value of naval force? Might a navy smaller than that of an overseas enemy be an absolute defense of our shores? Would a navy double the size of an overseas enemy necessarily be adequate for attack upon it?

4. What did M. Branting of Sweden mean when he said in the 27th Plenary meeting of the 2nd assembly of the League of Nations, "The security based on armament is of a very relative nature?" What effect is naval building likely to have on a) foreign alliances, b) foreign naval building? Give illustrations from recent history.

5. Have the developments of the World War affected the value of the capital ship? What is the relation of this controversy to the possibility of reducing naval budgets?

6. Has naval building usually had reference to the carrying out of concrete foreign policies? Should it?

7. Is it true that navies are essentially defensive, armies offensive?

8. Assuming that the United States wishes to maintain the open door policy, would you advise neutralizing the Pacific Islands, including the Philippines? Would you advise disarming these Islands without a guarantee of their neutrality? What is the status of the mandatory islands in the Pacific in these respects?

9. Explain the policies or conditions which have been back of the British demand for the largest navy; the French refusal to accept the League of Nations recommendation for a non-augmentation of military budgets for two years in 1921; the German naval program begun in 1900; the United States "second to none" naval program of 1916.

10. Can armaments for defense be distinguished from armaments for offense? What strategical operations would you suggest in case it were decided to employ force to maintain the open door in China?

11. What do you understand by militarism? Can the relative militarism of the United States, Great Britain and Japan be estimated from the fact that in 1921 they spent respectively 33%, 24% and 51% of their national budgets for the army and navy? Can it be estimated from the fact that the average per capita expense for military establishments in 1921 was United States, \$9.07; British Empire, \$2.59; Japan, \$5.19. Can it be estimated from the fact that

the total cost for military establishments in 1921 was United States, \$1,079 million; Great Britain, \$1,145 million; Japan, \$399 million.

3. *Relation of Armaments to International Organization.*

Some have considered disarmament a necessary prerequisite to the establishment of effective agencies for international cooperation and pacific settlement of disputes; others have considered the establishment of such agencies a necessary prerequisite to disarmament. A larger number hold that armament limitation and international organization reciprocally aid each other, though many of these think that certain questions will always remain outside the scope of machinery for peaceful settlement. The types of international organization proposed for eliminating the demand for armaments fall into four groups, typical respectively of jurists, economists, military men and statesmen.

Jurists are apt to support proposals for international courts, arbitration tribunals, and councils of inquiry and conciliation as the best means of diminishing armament, on the theory that, with these agencies for adjusting disputes peacefully, armaments will be unnecessary (Barclay, Pollock). Economists are apt to regard armaments as tools for gaining commercial and economic advantages, particularly in undeveloped regions of the earth, and so propose plans for cooperation in commercial development through continually active institutions of mutual advantage as a means for ameliorating this rivalry (Garvin, Dawson). Military men characteristically look upon force as the essence of all human organization and propose schemes for pooling forces in an international police power with the sole object of suppressing war (Miles, Davies, Vestal). Statesmen are apt to rely on the possibilities of compromise through discussion and the focusing of public opinion, and so favor an international organization assuring delay and full opportunity for conference before hostilities are resorted to (Bryce, Wilson). All of these plans are utilized in the League of Nations with its international court and system of arbitration (Arts. 12-15), its mandatory system and stipulations for equality of commercial advantages and international cooperation (22-24), its guarantees against aggressive war (10, 16) and its provisions for conciliation and discussion (2-6, 11).

READINGS:

Barclay, Sir Thomas, *New Methods of Adjusting International Disputes and the Future*, London, 1917, pp. 128-134.

Bryce, Viscount James, *Essays and Addresses in War Time*, London, 1919, pp. 173-174.

Butler, Nicholas Murray, *The International Mind*, New York, 1912, pp. 97-114; Reports of Lake Mohonk Conference on International Arbitration, 1912; International Conciliation, No. 55.

Daniels, Josephus, Hearing, House of Representatives, Committee on Naval Affairs, January, 1921. p. 529 et seq.

Davies, Major David (Great Britain), *Proceedings Grotius Society*, 5: 109-127 (1919), *Proceedings 29th Conference of International Law Association*, 1920, pp. 92-107.

Dawson, William Harbutt, *The Problems of the Peace*, London, 1918, pp. 321-324.

Garvin, J. L., *The Economic Foundations of Peace*, London, 1919, pp. 457-487.

Hobson, R. P., *Disarmament*, *American Journal of International Law*, 2: 743 (1908).

League of Nations; official documents:

Covenant, Articles 1, 8, 9, 22, 23.

Reports of Secretary General to First (Document 37) and Second Assemblies (Document 9) on the work of the Council.

Report of Sixth Committee of First Assembly, on Armaments, December, 1920, (Document 199).

Report of Temporary Mixed Commission on Armaments to Second Assembly, September, 1921 (Document 81).

Report of Third Committee of Second Assembly, on Armaments, September, 1921 (Document 158).

Procès Verbaux of Sixth Committee of First Assembly, December, 1920, and Third Committee of Second Assembly, September, 1921.

Verbatim record of Plenary Meetings 22 and 23 of First Assembly and 27 of Second Assembly.

(This material should be in any good library and much of it has been reprinted in "The League of Nations," published by the World Peace Foundation of Boston, vols. 3, and 4. The League of Nations *Official Journal* contains most of the documents of the Council, but not of the Assembly.)

Mahan, A. T., *Armaments and Arbitration*, New York, 1912.

Maurice, F., *The Limitation of Armaments*, *Contemporary Review*, October, 1921, pp. 435-440.

Miles, Major Sherman, *The Sword and its Sheath*, *Saturday Evening Post*, May 28, 1921, p. 21.

Ogg, F. A., *International Sanctions and the Limitation of Armaments*, in Duggan, *The League of Nations*, 1919, pp. 112-127.

Pollock, Sir Frederick, *The League of Nations*, London, 1919.

Scott, James Brown, *The Hague Peace Conference of 1899 and 1907*, Baltimore, 1909, 1: 694-697.

Trueblood, B. F., *The Case for Limitation of Armaments*, *American Journal of International Law*, 2: 758 (1908).

Vestal, Lieutenant-Colonel, S. C., *The Maintenance of Peace*, 1921.

Wehberg, Hans, *Limitation of Armaments*, 1921, pp. 43-46.

Wilson, Woodrow, *Addresses*, January 22, 1917 and January 8, 1918 (14 points).

World Friendship, *Disarmament Number*, vol. 1, No. 6, March, 1921, especially letters from Harry Emerson Fosdick (p. 7), F. M. North (p. 10), Raymond B. Fosdick (p. 12), Senator G. M. Hitchcock (p. 13), Hon. Theodore Marburg (p. 13).

QUESTIONS:

1. Has the development of international arbitration resulted in a decrease in armaments?

2. Are armaments a cause or a symptom? If you consider them a symptom, what is the cause? What cure do you suggest?

3. Trace the steps taken by the League of Nations toward limiting armaments. What particular obstacles has the League had to contend with in this work?

4. Would a League of Nations which attempted to compel the submission of all disputes to judicial settlement, arbitration or conciliation lead to the reduction of armaments?

5. What features of the League of Nations Covenant do you consider most likely to prove helpful toward limiting armaments?

6. Is a limitation of armaments possible without a machinery capable of continuous supervision?

7. Is a limitation of armaments possible without machinery for settling controversies otherwise than by force of arms? Is diplomacy adequate for this task?

B. LEGAL ASPECTS

4. *Local disarmament and neutralization.*

Efforts have been made to limit the area of war and its effect on peaceful commerce by the neutralization or disarmament of special areas such as small states, international boundaries, islands and undeveloped regions, straits and canals. It should be noticed that neutralization has not always been accompanied by disarmament; in fact Belgium and Switzerland have maintained armies and fortifications for the defense of their status. On the other hand boundary areas have often been disarmed without neutralization, sometimes by peaceful agreement, sometimes by compulsion of a victorious state. Declared neutralization, which other states merely agree to respect, should be distinguished from guaranteed neutralization, which they agree to protect.

READINGS:

Amos, Sheldon, *Political and Legal Remedies for War*, New York, 1880, pp. 143-159, Barclay, Sir Thomas, *Problems of International Practice and Diplomacy*, 1907, pp. 73-79, 153, 180.

———, *Collapse and Reconstruction*, 1919, p. 202.

Belgian Gray Book, 1914, II, Nos. 54, 58. (Correspondence in respect to neutralization of Belgian Congo, 1914), Scott, *Diplomatic Documents Relating to the Outbreak of the European War*, pp. 480, 483; International Conciliation, No. 86.

Foster, J. W., *Report on the Great Lakes Armament Agreement of 1817*, Fifty-Second Congress, Second Session, Senate Extra Document, No. 9, reprinted by Carnegie Endowment for International Peace, Division of International Law, Pamphlet No. 2.

Garner, J. W., *International Law and the World War*, London, 1920, 2: 186-256.

Interparliamentary Union:

Annuaire, 1911, pp. 38-42; 1914, pp. 36-39. (Discussion of neutralization of straits and canals.)

Annuaire, 1914, pp. 39-50. (Discussion of neutralization by declaration.)

Levermore, Charles H., *The Anglo-American Agreement for Disarmament of the Great Lakes*, World Peace Foundation, Pamphlet Series, vol. 4, No. 4. (June, 1914.)

Neutralization Treaties, texts, *American Journal of International Law*, Supplement 3: 106 et seq. (1909).

Oppenheim, L., *International Law*, third edition, London, 1920, 1: 171-179.

Vestal, Lieutenant Colonel, S. C., *The Maintenance of Peace*, 1920, pp. 410-422.

Wehberg, Hans, *Limitation of Armaments*, 1921, pp. 26-28, 66.

Winslow, Erving, *Neutralization*, *American Journal of International Law*, 2: 366-386 (1908).

QUESTIONS:

1. What is the difference between neutrality and neutralization under international law? Which term should apply to Belgium in 1914? Which to the United States, 1914-1917?

2. Would you advise a neutralized state to disarm? Cite examples of disarmed neutralization.

3. Cite examples of disarmed international boundaries. What has been the purpose of such measures? Has it been attained?

4. The neutralization of the Philippine Islands has been suggested. Would you favor such a policy as a measure for preserving peace?

5. Are mandatories under the League of nations neutralized? Are they disarmed?

6. What was the effect of the neutralization of the Panama Canal during the World War? Of the Suez Canal? Of the Congo Basin?

7. Explain the proposal of the Interparliamentary Union for voluntary neutralization of "buffer states." What was the purpose of this proposal? Would it be effective?

5. *Regulation of methods and instruments of war.*

The regulation of instruments of warfare should be distinguished from the regulation of the methods of using such instruments. International Law forbids the use of any weapon in a manner involving perfidy causing unnecessary suffering to enemy forces, unnecessarily destroying enemy civilian comfort or property, or unnecessarily inconveniencing neutral traders. The last question involves the rules assuring "freedom of the seas." A few instruments of war, such as small explosive bullets, expanding bullets, poison gases, have been prohibited by convention and the prohibition of submarine vessels, air craft and other instruments has been suggested. The prohibition of instruments of war because of their essential cruelty, should be distinguished from proposals to prohibit battleships and guns above a certain size because of their great expense.

READINGS:

a. Instruments of Warfare:

Domville-Fife, Charles, *Submarines and Sea Power*, London, 1919, pp. 89-116.

Garner, J. W., *International Law and the World War*, 1920, 1: 277.

Hague Peace Conferences, 1899, 1907:

Reports of Captains Crozier and Mahan on the work of the first committee, 1899. (Carnegie Endowment edition of Instructions and Reports of American Delegates to the Hague Conferences.)

Proceedings of First Commission, 1899, Carnegie Endowment edition of Proceedings.

Reports to the Hague Conferences, 1899, 1907, Carnegie Endowment Edition, pp. 169-174, 645-693.

Higgins, A. P., *The Hague Peace Conferences*, Cambridge, 1909, pp. 1-7, 484-497. (Contains texts of Declarations of Paris, St. Petersburg and the Hague on instruments of war.)

League of Nations, Opinion of Permanent Advisory Committee on Gas Warfare (*Official Journal* of the League of Nations, November-December, 1920, p. 39). See also reports on League of Nations publications cited section 3, *supra*.

Maine, Sir Henry Sumner, *International Law*, 1888, p. 139.

Pollock, Sir Frederick, *The League of Nations*, 1920, pp. 115 et seq.

Versailles, Treaty of, Articles 171, 172, 191, 198, 201. (Prohibits use of various war instruments by Germany.)

Wehberg, Hans, *Limitation of Armaments*, 1921, p. 17-27.

Wright, Quincy, *The Effect of the War on International Law*, Minnesota Law Review, 5: 523, June, 1921.

b. Freedom of the Seas:

Amos, Sheldon, *Political and Legal Remedies for War*, New York, 1880, pp. 196-216.

Balfour, A. J., *Freedom of the Seas*, New York Times, Current History, 4: 719, July, 1916.

Bowles, Thomas Gibson, *The Declaration of Paris*, London, 1900.

———, *Sea Law and Sea Power*, London, 1910.

Choate, Joseph H., *Immunity of Private Property at Sea* (address before fourth commission of Second Hague Peace Conference, June 28, 1907) World Peace Foundation, Pamphlet Series, vol. 4 No. 2 (1914).

Grotius, Hugo, *The Freedom of the Seas*, published by the Carnegie Endowment for International Peace, Division of International Law.

Hague Peace Conference, 1907, Reports, Carnegie Endowment Edition, pp. 599-644.

London, Naval Conference, 1909. See Higgins, *The Hague Peace Conferences* and Bowles, *supra*.

Loreburn, Earl, *Capture at Sea*, London, 1913.

Mahan, Admiral A. T. and Corbett, Julian S., *Some Neglected Aspects of War*, London, 1907.

Piggott, Sir Francis, *The Law of the Sea Series*. (Volumes published by the

University of London Press containing all important documents on the subject with commentary.)

Wehberg, Hans, *Limitation of Armaments*, 1921, pp. 52-53.

———, *Capture in War on Land and Sea*, London, 1911.

c. Rules of Land Warfare:

Amos, Sheldon, *Political and Legal Remedies for War*, New York, 1880, pp. 216-245.

Hague Conferences, 1899, 1907. Convention II of 1899 and IV of 1907. (See Carnegie Endowment edition of Proceedings and Reports.)

Higgins, A. P., *The Hague Peace Conferences*, 1899, 1907, pp. 206-280.

QUESTIONS:

1. What conclusion do you draw from the world war with reference to the prohibition of weapons which though cruel are effective?

2. Would the prohibition of battleships over 35,000 tons benefit most a wealthy or a poor nation? A nation with many naval bases or a nation with few?

3. Answer the same question with reference to submarines, bombing aircraft, poison gases.

4. What do you understand by "The Freedom of the Seas?" Does it imply an absolute liberty of neutrals to trade with belligerents in time of war?

5. Would a high degree of immunity for peaceful trade in time of war benefit most a country dependent on commerce for sustenance or a self sustaining country? a country with a widely scattered territory or a compact country?

6. What conclusion would you draw from the world war, with reference to the military effectiveness of war on commerce?

7. Does the elaboration of rules of land warfare have any effect upon lessening the probability of war? Do belligerents actually observe such rules of war? Why should they?

6. Regulation of methods of acquiring war materials and forces.

Plans for limiting armaments would be ineffective or at least inequitable if the problem of private manufacture of and trade in arms were wholly ignored. For instance a prohibition of government warship building would be ineffective if private firms could prepare warships for transfer to the government at a moment's notice. The right of converting merchant vessels to warships in time of war is here involved. Furthermore private manufacture and unregulated trade in war material has been considered by many an evil in itself because of the private interest it creates in war scares and wars.

READINGS:

a. Private arms industry:

Barclay, Sir Thomas, *Collapse and Reconstruction*, 1919, p. 185.

Brailsford, H. N., *The War of Steel and Gold*, 1914.

Dawson, William Harbutt, *The Problems of the Peace*, London, 1918, pp. 321-324.

League of Nations, Covenant, Article 8 and reports referred to in Section 3, *supra*.

Pollock, Sir Frederick, *The League of Nations*, 1920, pp. 115, et seq.

Snowden, Philip, *Dreadnaughts and Dividends*, World Peace Foundation, Pamphlet Series, August, 1914.

Wehberg, Hans, *Die Internationale Beschränkung der Rüstungen*, 1919, pp. 341-360.

———, *Limitation of Armaments*, 1921, p. 51.

b. Arms Trade:

League of Nations:

Covenant, Articles 22, 23d.

Report of Sir Cecil Hurst attached to report of Sixth Committee, First Assembly of League of Nations (Document 199).

See also other reports cited section 3 *supra*.

Saint Germain Convention on Arms Trade, 1919, printed in *International Conciliation*, No. 164, July, 1921.

War trade of neutrals, see Hague Conventions, 1907, V Article 7, XIII, Article 7 and correspondence of United States with Germany and Austria on the subject, 1915-1917. (*American Journal of International Law*, Special Supplements, vols. 9-11, reprinting State Department White books, European war, Nos. 1-4.)

c. Conscription and methods of recruitment.

Amos, Sheldon, *Political and Legal Remedies for War*, New York, 1880, pp. 162-180.

Smuts, General, *Draft of League of Nations Covenant*, The Nation, New York, February 8, 1919, 108-225.

Versailles, Treaty, Articles 173-179. (Regulates German methods of recruiting forces.)

Wehberg, Hans, *Limitation of Armaments*, 1921, p. 76.

d. Privateering, arming and conversion of merchant vessels:

Hague Conference, 1907, Convention VII (conversion of merchant vessels). *Reports*, Carnegie Endowment edition, pp. 590-599.

Higgins, A. P., *The Hague Peace Conferences*, Cambridge, 1909 (on Declaration of Paris, and VII Hague Convention).

United States correspondence with Great Britain and Germany on right of conversion and arming merchant vessels. (Publications cited in (b) *supra*.)

QUESTIONS:

1. What would be the effect of a prohibition of arms trade and private manufacture of arms on the "right of revolution"? Would it be constitutional for the United States to enter into treaties on these subjects?

2. Would an agreement to prohibit the export of war material to specified unsettled areas of the world be effective if a single manufacturing state were not included?

3. Why has the attitude of Germany and Great Britain differed on the subject of converting merchant vessels to war vessels on the high seas? Why has it differed on the subject of arming merchant vessels?

4. What are the evils of conscription? Why did France and Italy oppose the abolition of conscription when the League of Nations Covenant was being considered in the Paris Peace Conference?

5. Has the United States ever made any treaties or passed any laws prohibiting arms trade by Americans?

C. TECHNICAL ASPECTS

7. *Armament limitation agreements of limited application.*

Theorists have often proposed plans for limiting armaments, applicable to all states and all times. Practical schemes, however, have usually been very concrete as to states involved and time of operation. Practical statesmen have not been willing to bind themselves for an unprophesiable future nor to commit themselves to principles of universal application. Unilateral decreases of armament as a matter of national policy have sometimes occurred as well as unilateral increases, and this "disarmament by example" has been favored by some as the best means of bringing about a general reduction. (W. J. Bryan, Letter, February 9, 1921 printed in *World Friendship*, vol. 1, No. 6, p. 18, March, 1921; *The Nation*, 113: 520, November 9, 1921.)

Compulsory unilateral disarmament has also occurred, usually in treaties ending war. Thus the treaties of Peace have disarmed Germany, Austria, Hungary, Bulgaria, and Turkey by imposing fixed limits on the size of their military and naval forces and material, abolishing conscription, requiring the razing of certain fortresses, and prohibiting the use of air forces and submarines. There are examples of bilateral treaties agreeing to concrete diminutions of naval forces for a limited time and agreements to limit the personnel of land forces have been proposed. No agreement has yet been made embodying general principles for the limitation of armaments.

READINGS:

United States, Hearings of House of Representatives Committee on Naval Affairs, January-February, 1921, "Disarmament."

Wehberg, *Limitation of Armaments*, 1921, pp. 55-58, 64, 72.

(See also Historical *Résumé* supra and references there given.)

QUESTIONS:

1. Why is it easier to make armament agreements between few than between many states? Which type of agreement is likely to be best observed?

2. What is the advantage of stating a definite time at which such an agreement expires? What duration would you suggest for a naval limitation agreement between the United States, Japan and Great Britain?

3. Would a series of "regional understandings" for reducing land armaments be preferable to a general treaty? Why?

8. *General armament limitation agreements.*

A general agreement for limiting armaments involves determination of national ratios and units of military force, both very difficult matters. The factors which go to make military and naval force are men, money, and materials. Each has been suggested as a suitable unit for estimating relative strength. The total number of enlisted men and officers is more significant of the strength of land forces than of naval forces, but in either case, equal numbers may represent greatly differing strengths because of differences in organization, and number of trained reserves. Expenditures, because of the varying purchasing power of money in the different countries, especially the varying wages of soldiers, seamen and laborers, furnish a poor index of actual increments to military and naval strength, besides which budgets are easily camouflaged. Material units furnish a much better basis for estimating naval than land strength but comparison of naval units is difficult because of the differences in type and ages of vessels. The gross tonnage of naval vessels furnishes a rough index to naval strength though probably the total tonnage of capital ships (battle ships and battle cruisers) is preferable.

Determination of proper national ratios is even more difficult. The League of Nations has suggested that disarmament should be achieved in three steps. 1) "*Limitation*" of armament would take the present ratio of military and naval strength as a basis. 2) "*Reduction*" of armaments would be based on equitable ratios determined by factors statistically measurable such as population, area, commerce, wealth, length of coast line, etc., selected so as to indicate political importance. Several writers have proposed that military and naval budgets be limited to a definite ratio of total budgets and that military personnel be limited to a fixed proportion of the population. 5) "*Disarmament*" would fix the maximum military and naval strength of each state by its needs for internal police, defense against savage tribes and states not in the agreement, contributions to an international police force and other purposes unrelated to international rivalries.

READINGS:

Colet, *Limitation des Armements*, Paris, 1910, p. 230.

Hague Conference of 1899, *Documents Respecting Limitation of Armaments*, prepared by the Government of the Netherlands, Carnegie Endowment for International Peace, Pamphlets Nos. 22, 36.

Interparliamentary Union, *Reports of Commission for Limitation of Naval and Military Expenses*, by M. D'Estournelles de Constant, Proceedings, 1906, 1911.

Extracts printed in World Peace Foundation, Pamphlet Series, April, 1911, p. 14.

———, Report of Secretary Christian Lange on the Conditions of a Lasting Peace, 1917, pp. 46-53.

League of Nations, Covenant, Article 8; Reports referred to, Section 3, *supra*.
 League of Nations Union, London, *Report of Committee on Limitation of Armaments*, June 23, 1921.
 Maurice, F., *The Limitation of Armaments*, Contemporary Review, October, 1921, pp. 435-440.
 Nation, The, New York, Editorial, 113: 520, November 9, 1921.
 Pollock, Sir Frederick, *The League of Nations*, 1920, pp. 113 et seq.
 Toinet, R., *La Limitation Conventiionnelle des Armements*, Paris, 1912.
 Wehberg, Hans, *Limitation of Armaments*, 1921, pp. 44-45, 49, 60-63, 73-75, 78-81.
 ———, *Die Internationale Beschränkung der Rüstungen*, Stuttgart, 1919, 361-384.

QUESTIONS:

1. The United States appropriated 537 million dollars for the navy in the fiscal year ending 1921, Great Britain 330 million dollars and Japan 258 million dollars. Does this give any evidence as to which added to its naval force the most in that year?
2. What factors would have to be considered to compare properly the military personnel of France and the United States?
3. Would the number of naval bases have to be considered to make a just comparison of the naval force of two powers? What of fuel supplies?
4. In estimating requirements for defense, would you give most consideration to physical factors (length of coast line, population, domestic supply of food and raw materials), to military factors (size of foreign armies and navies), or to political factors (foreign alliances, probable opponents of policy, etc.)?
5. Is the present ratio of military and naval strength an equitable ratio to adopt for ten years? Can you suggest anything better?
6. What is the unit of naval force adopted in Secretary Hughes' proposal for naval armament limitation of November 12, 1921? What are the ratios adopted for the United States, Great Britain, and Japan? What factors were considered in determining these ratios?
7. Is it practical to limit naval armaments by agreement without limiting land armaments?
9. *Sanctions for observance of armament limitation agreement.*

The willingness of states to accept any agreement for limiting armaments depends to a considerable extent upon their confidence in its fulfillment. The sanctions suggested may be classified as a) provisions for exchange of information, b) provisions for appeal to an international court on suspicion of infraction, right of investigation mutually or by an international commission, c) guarantee of the agreement by an obligation of all states to act as an international police force against the violator. The first relies on good faith, the second on public opinion, the third on force. The guarantee of an armament limitation agreement should be distinguished from the guarantee of a state's territory

and rights under international law. The latter guarantee (discussed section 3) is much more comprehensive than a guarantee merely of the armament limitation agreement, though states sometimes regard it as essential to justify any agreement to limit armaments.

READINGS:

Butler, Nicholas Murray, World Armament and Public Opinion, *The International Mind*, New York, 1912, pp. 21-44; *Opening Address at the Lake Mohonk Conference on International Arbitration*, 1909, International Conciliation No. 20.

Davies, David, Grotius Society, *Problems of Peace and War*, 5: 109-118.

Lake Mohonk Conference on International Arbitration, Report of 21st Conference, 1915, pp. 45-50.

League of Nations: Covenant Article 9.

French amendments proposed to Articles 8 and 9 of the Covenant, Pollock, *The League of Nations*, 1920, p. 125.

Report of International Blockade Committee, Second Assembly Document No. 28.

Report of Third Committee of Second Assembly on blockade.

(See other reports cited Section 3, supra.)

Ogg, F. A., *International Sanctions and the Limitation of Armaments*, Duggan, *The League of Nations*, 1919, pp. 112-125.

Roosevelt, Theodore, Message to Congress, December 6, 1904 and Nobel Prize address, May 5, 1910. (Extracts printed in League of Nations, World Peace Foundation, vol. 1, No. 1, October, 1917, pp. 27-30.)

Root, E., *The Sanctions of International Law*, American Journal of International Law, 2: 451-457 (July, 1908).

Scott, James, Brown, *The Hague Peace Conferences of 1899 and 1907*, Baltimore, 1909, pp. 731-751.

Tardieu, André, *The Truth About the Treaty*, 1921, pp. 135-140.

Vestal, S. C., *The Maintenance of Peace*, New York, 1920, pp. 476-483.

Vollenhoven, C. von, *War Obviated by an International Police*, 1915. (Series of extracts from writing of prominent statesmen and jurists.)

Wehberg, Hans, *Limitation of Armaments*, 1921, pp. 65, 82-94.

QUESTIONS:

1. Why has France considered inclusion of the right of investigation and the establishment of an international police force, a prerequisite to disarmament?

2. Why have the questions of armament limitation and international blockade been put under the same Committee in the League of Nations Assembly meetings?

3. Would states be more likely to observe an agreement for limiting battle-ship construction than an agreement for limiting naval budgets? Why?

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